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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1570 (2004) of 28 October 2004, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2005. In the same resolution, the Council requested me to submit an interim report, within three months of the adoption of the resolution, on the evolution of the situation and on the Mission's size and concept of operation, with further detail on the options discussed in my report dated 20 October 2004 (S/2004/827) on the possible reduction of MINURSO staff, including civilian and administrative personnel. The present report covers developments since the issuance of my previous report.

II. Political situation

2. I regret to report that the lack of agreement remains, as described in my previous report, on how to overcome the deadlock between the parties and enable the people of Western Sahara to exercise their right to self-determination.

III. Activities on the ground

A. Activities of the military component

3. As at the beginning of January 2005, the military component of MINURSO stood at 203 military observers, 7 administrative clerks and a medical unit composed of 20 personnel, against the authorized strength of 230 (see annex). Under the command of Major General György Száraz (Hungary), MINURSO continued to monitor the ceasefire in Western Sahara, which has been in effect since 6 September 1991. The Mission's area of responsibility has remained calm, and there have been no indications on the ground that either side intends to resume hostilities in the near future.

4. During the reporting period, MINURSO performed 1,046 ground patrols and 89 air patrols to visit and inspect units larger than company size of the Royal

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Moroccan Army and the military forces of the Frente Polisario, in accordance with military agreement No. 1 between the Royal Moroccan Army and MINURSO on the one hand and the Frente Polisario military forces and MINURSO on the other. Both the Royal Moroccan Army and the Frente Polisario military forces continued to conduct routine maintenance and training activities.

5. As has been reported previously, the Frente Polisario continued to insist on limitations on the Mission's freedom of movement by road and by air in areas of the Territory east of the berm in a manner that is not consistent with military agreement No. 1. Although the limitations do not significantly affect the Mission's ability to monitor the situation in those areas, their removal would further facilitate the Mission's ground- and air-patrolling activities. MINURSO recently reiterated its request to the Frente Polisario that those restrictions be lifted.

6. During the reporting period, MINURSO observed the presence of a Frente Polisario unit, which is smaller than company size, at the "Spanish fort", a position located within the restricted area east of the berm. Although the Frente Polisario explained post facto that the unit had been deployed to deter the movement of illegal migrants as well as smugglers, MINURSO has informed the Frente Polisario that the stationing of the unit at that location, if maintained, would be in violation of military agreement No. 1, which, inter alia, prohibits tactical reinforcements and the redeployment or movement of troops in the restricted areas.

7. Also during the reporting period, it came to the attention of MINURSO that the Royal Moroccan Army was taking steps to enhance its radar monitoring capability along the berm, stressing the need to improve its ability to track the movements of illegal migrants and smugglers in the Territory. MINURSO has drawn the Moroccan authorities' attention to the fact that tactical reinforcement of equipment is prohibited in the restricted areas, that is, within 30 kilometres of the berm, and would constitute a violation of the agreement if continued.

8. While the developments described in paragraphs 6 and 7 above appear to constitute prima facie violations of military agreement No. 1, it should be noted that the two parties have informed MINURSO that they are motivated by the same concern, that is, the growing phenomena of illegal migration and smuggling. In view of this apparent shared interest, MINURSO is in contact with the parties with a view to ensuring that their actions to stem the flow of migrants and the activities of smugglers do not become a potential source of friction between them, but instead turn into a possible area for cooperation that could help to enhance stability in the MINURSO area of operations.

9. MINURSO continues to cooperate with the parties on the marking and disposal of mines and unexploded ordnance. During the reporting period, MINURSO discovered and marked 20 pieces of unexploded ordnance, and one disposal operation was monitored.

10. As stated in my previous reports, MINURSO, in cooperation with the Geneva International Centre for Humanitarian Demining, has established, in the Mission, an information management system for mine action. A delegation from the Centre is scheduled to visit MINURSO in March 2005 to train the mission personnel who will manage the system. MINURSO intends to establish, within existing resources, a joint military-civilian section to coordinate and manage the information management system.

B. Prisoners of war, other detainees and persons not accounted for

11. The Frente Polisario announced on 22 January 2005 the release of two Moroccan prisoners of war who were seriously ill and who were subsequently repatriated to Morocco under the auspices of the International Committee of the Red Cross (ICRC). The Frente Polisario continues to hold 410 Moroccan prisoners of war, some of whom have been in captivity for many years. ICRC continues to pursue the question of persons still unaccounted for in relation to the conflict.

C. Illegal migration

12. Reports of operations to smuggle migrants through Western Sahara have increased significantly in the past two years. In addition to the contacts mentioned in paragraph 8, the Mission has been requested by the parties to increase patrolling in areas known to be used by migrants and smuggling groups. The parties are aware of the constraints under which MINURSO operates because of the limitations imposed by its mandate and the lack of resources for this activity.

13. On 3 November, the International Organization for Migration confirmed that the repatriation of the 23 migrants found near Mijek (see S/2004/827, paras. 15 and 16) had been successfully concluded and that the migrants had returned to their homes in Bangladesh and India. With regard to the 21 migrants found near Tifariti, the Frente Polisario has informed MINURSO that on 9 January, 20 Pakistani migrants were released at their request and taken to the border with Mauritania. The remaining migrant, a Bangladeshi, continues to be sheltered by the Frente Polisario in Tifariti, and arrangements for his repatriation are under consideration.

14. Although the experience with the first repatriation operation was positive, the fact remains that the capacity of MINURSO to assist in this area is limited. Nevertheless, the growing phenomenon of migrants transiting through the Mission's area of operations may necessitate that humanitarian agencies, in cooperation with MINURSO and the parties, start developing a coordinated approach to address the possible appearance of such migrants in future. In the meantime, MINURSO will endeavour to lend logistical support for repatriation operations, on a humanitarian basis and subject to resource availability, as long as it is not detrimental to the discharge of its core mandate.

D. Western Sahara refugees

15. The World Food Programme (WFP) is carrying out a relief and recovery programme for Western Saharan refugees, budgeted at approximately $40 million over a two-year period, from September 2004 to August 2006. WFP is also currently increasing its monitoring and logistical capacity by recruiting more staff members and building an additional storage facility in Tindouf. The European Union has granted an amount of €5.5 million to WFP for this programme, however serious food shortages may be faced as early as May 2005 unless additional resources are provided.

E. Confidence-building measures

16. It will be recalled that the Office of the United Nations High Commissioner for Refugees (UNHCR) and my Special Representative for Western Sahara have been promoting with the parties the implementation of confidence-building measures, which aim to facilitate person-to-person contacts between the refugees in the Tindouf area refugee camps and their relatives in the Territory.

17. I am pleased to report that the parties, as well as Algeria as the country of asylum, have made a positive evaluation of the first phase of the confidence-building measures programme, which was implemented from March to August 2004. In view of the positive outcome of the first phase of this important programme, the parties expressed their support for continuing the exchange of family visits programme and the telephone service under the existing arrangements. Accordingly, UNHCR and MINURSO resumed the project in November and carried it out until the end of 2004. During that period, 270 persons participated in the programme, 137 (32 families) from the refugee camps in the Tindouf area in Algeria and 133 (41 families) from the cities of Laayoune, Dakhla and Smara in the Territory. In total, 1,476 persons, comprising 754 (473 families) from the refugee camps and 722 (237 families) from the Territory, have benefited from the programme since its start in March 2004.

18. In the meantime, in consultation with my Special Representative, UNHCR submitted to the parties, as well as Algeria, a revised draft plan of action for the implementation of the second phase of the confidence-building measures programme in early December 2004. The parties, as well as Algeria, have expressed their agreement in principle to the draft plan of action and have provided their written comments on it. UNHCR and my Special Representative have prepared a further revision to the plan that addresses their comments and have submitted it to all those concerned for final approval. At the same time, UNHCR and MINURSO have agreed to a series of joint efforts aimed at implementing the programme, which is expected to resume in March 2005.

19. It will be recalled that the Mission's support for the exchange of family visits programme includes the deployment of civilian police officers who escort the participants in the programme on United Nations flights to and from the Territory and the Tindouf area refugee camps and monitor and facilitate the airport procedures at the arrival and departure points. MINURSO deployed two additional civilian police officers in December for that purpose and two more are expected to be deployed, bringing the total to eight, by the time the exchange of family visits programme resumes later this year.

20. With regard to the financing of the second phase of the confidence-building measures programme, UNHCR and MINURSO have scheduled a donors' conference, to be held in Geneva on 3 February 2005, in response to Security Council resolution 1570 (2004), in which the Council called upon Member States to consider making voluntary contributions to fund the confidence-building measures, in particular the exchange of family visits. UNHCR and MINURSO are jointly preparing a budget proposal for submission at the conference under which UNHCR would implement activities connected to its core mandate while MINURSO would provide supplementary management services and some logistical support. While the total budgetary requirement needed to implement the second phase of the

confidence-building measures programme has been preliminarily estimated at $3.4 million, the level of the respective contributions of MINURSO and UNHCR to the programme will ultimately depend on the extent of the donors' generosity. At this stage, the cost of the activities that would be carried out by MINURSO under the second phase of the programme is projected at approximately $1.2 million, which I hope will be covered entirely through voluntary contributions.

F. African Union

21. During the reporting period, the observer delegation of the African Union to MINURSO, led by its Senior Representative, Ambassador Yilma Tadesse (Ethiopia), continued to provide valuable support and cooperation to the Mission. I wish to reiterate my sincere appreciation for the contribution of the African Union.

IV. Mission size and concept of operation

22. In my previous report, I described the Mission's military concept of operations and the tasks derived from it (S/2004/827, paras. 32-36). That description and my evaluation of the existing needs remain unchanged. In the subsequent paragraphs, I presented two options with regard to the strength of the MINURSO military component for the Council's consideration. The first option, which I continue to support, was to maintain the present size of the military component (ibid., para. 37). While emphasizing my view that no reduction in the military component should come at the expense of the capacity and credibility of the United Nations to discharge its political and operational role, I also submitted a second option — to reduce the current military strength of the Mission by 16 per cent — in the event that the Council decided to reduce the size of MINURSO (ibid., paras. 38-40). I was pleased that the Council chose not to select that option. Indeed, my most recent assessment of the situation on the ground supports this choice.

23. While the Mission's ceasefire-monitoring activities are focused primarily on verifying the non-entry of the parties' military personnel into the five-kilometre-wide buffer strip that runs along the eastern side of the 1,800-kilometre berm, the military observers monitor and conduct observation activities throughout a large part of the Territory, an area of some 266,000 square kilometres. In particular, they play an essential role in confirming the status of the parties' forces throughout the Territory, verifying compliance and monitoring military exercises conducted by the parties and the destruction of mines and unexploded ordnance, in addition to demonstrating the overall presence of the United Nations.

24. As I mentioned in my previous report, each of the nine military observer team sites established by MINURSO, which consist of 14 to 19 officers each and are spread out on both sides of the berm, conduct two to three ground reconnaissance patrols a day, which may last anywhere from three to eight hours depending on the distance covered and the ruggedness of the desert terrain. No fewer than four military observers in two vehicles participate in each patrol. Although the overall strength of each team site is supposed to be as described above, for various reasons, including rotations, training and leave, their actual number usually fluctuates between 10 and 14 officers. As a result, whenever two patrols are under way, team sites are manned by only a few military observers each, and therefore are close to

the minimum number required to discharge their basic responsibilities. In addition, a small number of military observers conduct air reconnaissance operations and perform staff duties. Furthermore, both Morocco and the Frente Polisario consider that the Mission needs to be strengthened in order to increase its capacity to discharge its mandate and to deal with the emerging challenges on the ground. It is for these reasons that I continue to be convinced that any reduction in the size of the military component of MINURSO would have a negative impact on the effective implementation of the Mission's mandate.

V. Observations and recommendations

25. I regret to inform the Council that, as reflected in my previous report, there continues to be a lack of agreement between the parties on how to overcome the existing deadlock between them regarding the Peace Plan for Self-Determination of the People of Western Sahara. I remain prepared to help the parties find a solution to the current impasse and to achieve progress towards a just, lasting and mutually acceptable political solution.

26. Notwithstanding the recent actions of the parties described in paragraphs 6 and 7 above, which, if continued, would be in violation of military agreement No. 1, the ceasefire that came into effect on 6 September 1991 continues to be respected by both parties and monitored by MINURSO to the extent of its ability. However, incidents occurring in the MINURSO area of operations, while still circumscribed and isolated, should not be underestimated. In this regard, MINURSO is increasing its efforts to address potential sources of friction between the parties, and I am pleased to report that the parties have agreed in principle to inform MINURSO in detail of their proposed actions to address the increase in illegal migration and smuggling through the Territory. They have also indicated their willingness to cooperate with the Mission to diminish any possible friction that might result from actions taken by the parties in respect of these growing phenomena.

27. I remain concerned, however, that the continuation of the prolonged political deadlock, if not reversed, might lead to a deterioration of the situation in Western Sahara. It should be noted in this regard that the parties have reiterated to MINURSO their strong desire that the Mission's strength be increased and that its capacity to patrol and react to incidents be reinforced. I will continue to examine this matter in the light of the situation prevailing on the ground.

28. MINURSO has undertaken a comprehensive review of the structure of the administrative and other civilian components of the Mission. I expect to be in a position to report on the results of that review in my next report to the Council.

29. As the Security Council is aware, the Mission's overall activities on the ground have recently increased as a result of the confidence-building measures programme referred to in paragraphs 16 to 20 above, which the Council has encouraged. However, the continuation of this important humanitarian programme will require generous voluntary contributions from the donor community. In this regard, I wish to join UNHCR in once again urging donor countries to provide the funding necessary to continue this vital programme, which, as was stated in previous reports, requires a great deal of logistical, monitoring and administrative effort.

30. In the meantime, I once again appeal to the Frente Polisario to release all Moroccan prisoners of war whom it continues to hold, in compliance with international humanitarian law and numerous Security Council resolutions and presidential statements, and appeals to both Morocco and the Frente Polisario to continue to cooperate with ICRC in accounting for those who are still missing owing to the conflict.

31. In conclusion, I would like to express my sincere appreciation to my Special Representative and all the men and women of MINURSO, who continue to work tirelessly in the discharge of the mandate entrusted to the Mission by the Security Council.

Annex

United Nations Mission for the Referendum in Western Sahara: contributions as at 5 January 2005

Country	*Military observers*[a]	*Troops*[a]	*Civilian police*[b]	*Total*
Argentina	1	–	–	1
Austria	2	–	–	2
Bangladesh	8	–	–	8
China	19	–	–	19
Croatia	2	–	–	2
Egypt	19	–	4	23
El Salvador	5	–	2	7
France	25			25
Ghana	10	7	–	17
Greece	1	–	–	1
Guinea	5	–	–	5
Honduras	12	–	–	12
Hungary	7	–	–	7
Ireland	4	–	–	4
Italy	5	–	–	5
Kenya	10	–	–	10
Malaysia	14	–	–	14
Mongolia	3	–	–	3
Nigeria	8	–	–	8
Pakistan	7	–	–	7
Poland	1	–	–	1
Republic of Korea	–	20	–	20
Russian Federation	25	–	–	25
Sri Lanka	2	–	–	2
Uruguay	8	–	–	8
Total	**203**	**27**	**6**	**236**

[a] Authorized strength is 230.
[b] Authorized strength is 81.

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Cartographic Section